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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,741	11/25/2003	Nobuo Onuma	CFA00021US	8964

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION		
15975 ALTON PARKWAY		
IRVINE, CA 92618-3731		

EXAMINER	
PHAM, THIERRY L	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,741

Applicant(s)

ONUMA ET AL.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: Nonprovisional application filed on 11/25/03.
- Claims 1-16 are currently pending.

Claim Rejections - 35 USC § 101

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention is a computer related invention. The Computer-Implemented Invention Guidelines issued by the U.S. Patent and Trademark Office describe the procedures for examining such inventions.

The first step is to determine whether the invention as defined by the claims falls within one of the three following categories of unpatentable subject matter: (1) Functional descriptive material such as a data structure per se or a computer program per se, (2) Non-functional descriptive material such as music, literary works or pure data, embodied on a computer readable medium; or (3) A natural phenomenon such as energy or magnetism. The invention as defined by the claims is not a natural phenomenon or pure data, however, it is a computer program per se, which does not mount/store on any computer-readable medium; therefore, these claims are rejected for non-statutory basis.

The examiner recommends the applicants to amend the claim to include "computer readable medium" so it compliances with 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being by Lester et al (US 7072065).

Regarding claim 1, Lester discloses a print control device (fig. 10) comprising:

- data processing means (communication port, fig. 3) for generating and/or transferring print data in response to a print request;
- acquisition means (processor 22, fig. 3) for acquiring print conditions (col. 2, lines 33-45) in response to the print request;
- determining means for determining a print cancel command (cancel command, figs. 5-7) is issued as the data processing means generates and/or transfers the print data at the frequency fixed by the fixing means.
- fixing means (cancellation key, figs. 5-7) for fixing a frequency (cancellation period, figs. 5-7, col. 4, lines 5-52) of determining a print cancel based on the print conditions acquired by the acquisition means.

Regarding claim 2, Lester further discloses a print control device according to claim 1, further comprising receiving means (communication ports, fig. 3) for receiving the print cancel command of the print data through a user interface (control panel, fig. 4-7), wherein the determining means determines whether the print cancel command is received through the receiving means.

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Regarding claim 3, Lester further discloses a print control device according to claim 1, wherein the frequency is a print throughput that is determined based on estimated time (cancellation period, figs. 5-7, col. 4, lines 5-52) needed to perform unit throughput required in the print conditions.

Regarding claim 4, Lester further discloses a print control device according to claim 1, wherein the frequency is fixed so that the product of the frequency and estimated time needed (cancellation period can be fixed or varied, figs. 5-7, col. 4, lines 5-52) to perform unit throughput required in the print conditions remains unchanged under varying print conditions.

Regarding claim 5, Lester further discloses a print control device according to claim 1, wherein the frequency fixed based on the print conditions is a print throughput, and wherein the print throughput is determined based on print cancel intervals (print cancel intervals based upon how many times the print cancel button is activated, figs. 5-7, col. 4, lines 5-52).

Regarding claim 6, Lester further discloses a print control device according to claim 1, further comprising suspending means which suspends (figs. 5-7, col. 4, lines 32-52) the generation and/or the transfer of the print data by a printer driver if the determining means determines that the print cancel command has been received.

Regarding claim 7, Lester further discloses a print control device according to claim 1, wherein the print conditions (col. 6, lines 6-60) comprise at least one of a sheet size, a resolution, and a designation of one of color printing or monochrome printing.

Regarding claims 8-14: Claims 8-14 are the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claims 8-14; therefore, claims 8-14 are rejected for the same rejection rationale/basis as described in claims 1-7 above.

Regarding claims 15-16: Claims 15-16 recite limitations that are similar and in the same scope of invention as to those in claim 1 except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. RAM, fig. 3) for storing computer programs, hence claims 15-16 would be rejected using the same rationale as in claim 1

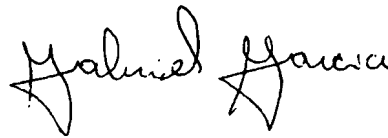
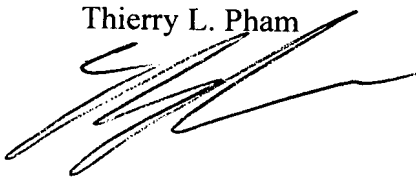
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL I. GARCIA
PRIMARY EXAMINER